



General Assembly

February Session, 2014

Raised Bill No. 5337

LCO No. 1640



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT CONCERNING FEES CHARGED FOR SERVICES PROVIDED
AT HOSPITAL-BASED FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) As used in this section
2 and section 2 of this act:

3 (1) "Affiliated provider" means a provider that is: (A) Employed by,
4 or under a professional services agreement with, a hospital or health
5 system, or (B) a clinical faculty member of a medical school, as defined
6 in section 33-182aa of the general statutes, that is affiliated with a
7 hospital or health system;

8 (2) "Campus" means: (A) The physical area immediately adjacent to
9 a hospital's main buildings and other areas and structures that are not
10 strictly contiguous to the main buildings but are located within two
11 hundred fifty yards of the main buildings, or (B) any other area that
12 has been determined on an individual case basis by the Centers for
13 Medicare and Medicaid Services to be part of a hospital's campus;

14 (3) "Facility fee" means any fee charged or billed by a hospital or
15 health system for outpatient hospital services provided in a hospital-
16 based facility that is: (A) Intended to compensate the hospital or health
17 system for the operational expenses of the hospital or health system,
18 and (B) separate and distinct from a professional fee;

19 (4) "Health system" means: (A) A parent corporation of one or more
20 hospitals and any entity affiliated with such parent corporation
21 through ownership, governance, membership or other means, or (B) a
22 hospital and any entity affiliated with such hospital through
23 ownership, governance, membership or other means;

24 (5) "Hospital" has the meaning set forth in section 19a-490 of the
25 general statutes;

26 (6) "Hospital-based facility" means a facility that is owned or
27 operated, in whole or in part, by a hospital or health system where
28 hospital or professional medical services are provided;

29 (7) "Professional fee" means any fee charged or billed by a provider
30 for professional medical services provided in a hospital-based facility;
31 and

32 (8) "Provider" means an individual, entity, corporation or health
33 care provider, whether for profit or nonprofit, whose primary purpose
34 is to provide professional medical services.

35 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) If a hospital or health
36 system charges a facility fee utilizing a current procedural terminology
37 (CPT) code for outpatient services provided at a hospital-based facility
38 where a professional fee is also expected to be charged, the hospital or
39 health system shall provide the patient with a written notice that
40 includes the following information:

41 (1) That the hospital-based facility is part of a hospital or health
42 system and that the hospital or health system charges a facility fee that

43 is in addition to and separate from the professional fee charged by the
44 provider;

45 (2) (A) The amount of the patient's potential financial liability,
46 including any facility fee likely to be charged, and, where professional
47 medical services are provided by an affiliated provider, any
48 professional fee likely to be charged, or, if the exact type and extent of
49 the professional medical services needed are not known or the terms of
50 a patient's health insurance coverage are not known with reasonable
51 certainty, an estimate of patient's financial liability based on typical or
52 average charges for the visits to the hospital-based facility, including
53 the facility fee and, where the professional medical services are
54 provided by an affiliated provider, the professional fee, (B) a statement
55 that the patient's actual financial liability will depend upon the
56 professional medical services actually provided to the patient, and (C)
57 an explanation that the patient may incur financial liability that is
58 greater than the patient would incur if the professional medical
59 services were not provided by a hospital-based facility; and

60 (3) That a patient covered by a health insurance policy should
61 contact the health insurer for additional information regarding the
62 hospital's or health system's charges and fees, including the patient's
63 potential financial liability, if any, for such charges and fees.

64 (b) If a hospital or health system charges a facility fee without
65 utilizing a current procedural terminology (CPT) code for outpatient
66 services provided at a hospital-based facility, located outside the
67 hospital campus, the hospital or health system shall provide the
68 patient with a written notice that includes the following information:

69 (1) That the hospital-based facility is part of a hospital or health
70 system and that the hospital charges may be in addition to and
71 separate from the professional fee charged by a provider;

72 (2) (A) A statement that the patient's actual financial liability will
73 depend upon the professional medical services actually provided to

74 the patient, and (B) an explanation that the patient may incur financial
75 liability that is greater than the patient would incur if the hospital-
76 based facility was not hospital-based; and

77 (3) That a patient covered by a health insurance policy should
78 contact the health insurer for additional information regarding the
79 hospital's or health system's charges and fees, including the patient's
80 potential financial liability, if any, for such charges and fees.

81 (c) The written notice described in subsections (a) and (b) of this
82 section shall be in plain language and in a form that may be reasonably
83 understood by a patient who does not possess special knowledge
84 regarding hospital or health system facility fee charges.

85 (d) (1) For nonemergency care, if a patient's appointment is
86 scheduled to occur ten or more days after the appointment is made,
87 such written notice shall be sent to the patient via first class mail,
88 encrypted electronic mail or a secure patient Internet portal not less
89 than three days after the appointment is made. If an appointment is
90 scheduled to occur less than ten days after it is made or if the patient
91 arrives without an appointment, such notice shall be hand-delivered to
92 the patient when the patient arrives at the hospital-based facility.

93 (2) For emergency care, such written notice shall be provided to the
94 patient as soon as practicable after the patient is stabilized in
95 accordance with the federal Emergency Medical Treatment and Active
96 Labor Act, 42 USC 1395dd, as amended from time to time, or is
97 determined not to have an emergency medical condition and before
98 the patient leaves the hospital-based facility. If the patient is
99 unconscious, under great duress or for any other reason unable to read
100 the notice and understand and act on his or her rights, the notice shall
101 be provided to the patient's representative as soon as practicable.

102 (e) Subsections (a) to (d), inclusive, of this section shall not apply if a
103 patient is insured by Medicare or Medicaid or is receiving services
104 under a workers' compensation plan established to provide medical

105 services pursuant to chapter 568 of the general statutes.

106 (f) A hospital-based facility shall prominently display written notice
107 in locations that are readily accessible to and visible by patients,
108 including patient waiting areas, stating that: (1) The hospital-based
109 facility is part of a hospital or health system, and (2) if the hospital-
110 based facility charges a facility fee, the patient may incur a financial
111 liability greater than the patient would incur if the hospital-based
112 facility was not hospital-based.

113 (g) A hospital-based facility shall clearly hold itself out to the public
114 and payers as being hospital-based, including, at a minimum, by
115 stating the name of the hospital or health system in its signage,
116 marketing materials, Internet web sites and stationery.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	New section

Statement of Purpose:

To provide patients with written notice regarding fees charged for services provided at hospital-based facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]